

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

**IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION**

CIVIL ACTION NUMBER:

19-md-02875-RBK-TIV

CASE MANAGEMENT CONFERENCE

Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101
Tuesday, September 12, 2023
Commencing at 1:19 p.m.

B E F O R E:

**THE HONORABLE ROBERT B. KUGLER,
UNITED STATES DISTRICT JUDGE**

**THE HONORABLE THOMAS I. VANASKIE (Ret.),
UNITED STATES SPECIAL MASTER**

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Judicial Law Clerk to The Honorable Robert B. Kugler

Larry MacStravic, Courtroom Deputy

1 (PROCEEDINGS held in open court before The Honorable
2 Robert B. Kugler and The Honorable Thomas I. Vanaskie, (Ret.)
3 District Judge, at 1:19 p.m.)

4 THE COURTROOM DEPUTY: All rise.

5 JUDGE KUGLER: Thanks. Have a seat. All right. Good
6 afternoon, everybody. Welcome back. We have some things on
7 the agenda today. Judge Vanaskie said he's going to take care
8 of some of these things.

9 JUDGE VANASKIE: Yeah, it looks that way. We're
10 hoping to take care of some things.

11 Now, I'm a little confused because there didn't seem
12 to be exact agreement on some of the matters that are in
13 dispute, and it seemed to me the first thing we were going to
14 talk about was -- and it seems to me all of this deals with the
15 period of discovery and the close of the period of time for
16 production of documents. And there was a footnote in the
17 letter from the defense side that said that agreement had been
18 reached -- I might have this backwards, but where does ZHP
19 stand with respect to the period of discovery for losartan and
20 irbesartan.

21 MS. GOLDENBERG: Good afternoon, Your Honor. This is
22 Marlene Goldenberg for the plaintiffs. We're happy to announce
23 that we've actually sorted through most of the issues or I
24 think all of the issues for all of the defendants, so we can
25 save you a lot of time today.

1 JUDGE VANASKIE: Wonderful.

2 MS. GOLDENBERG: Yeah. So here's where we're at,
3 non-custodial productions for all defendants will continue
4 through the present; all custodial productions will go through
5 December of 2019; and within the next two weeks the parties are
6 all going to meet and confer and a specific number of
7 custodians done on a manufacturer-by-manufacturer basis for
8 whom productions will continue through the present.

9 JUDGE VANASKIE: Okay.

10 MS. GOLDENBERG: If there are any disputes about that,
11 we'll get those in the agenda letter for you two weeks from now
12 and make sure we get that resolved.

13 And finally, if we identify any conversations that are
14 artificially truncated by the stop date or we find an issue
15 that isn't fully flushed out by the custodians that we have
16 identified, we've spoken with the defendants and they
17 understand that we're reserving the right to raise that and go
18 further on specific issues or custodians depending on what we
19 find in the productions.

20 JUDGE VANASKIE: All right. Very well.

21 MS. GOLDENBERG: So I think that covers it. We also
22 made sure to submit any agreed-upon search terms and custodians
23 in the agenda letter, and hopefully that gives everybody one
24 place to look as we move forward.

25 JUDGE VANASKIE: Very well. So there's nothing to be

1 decided?

2 MS. GOLDENBERG: I don't think so.

3 JUDGE VANASKIE: That's tremendous.

4 JUDGE KUGLER: Well, I guess then we'll turn to the
5 orders to show cause?

6 The Meza matter, the complaint has been dismissed, so
7 we can dismiss the order to show cause.

8 Smason, S-M-A-S-O-N; Thomas; Lipscomb; Andrews;
9 Schram; and Tasman, T-A-S-M-A-N, matters resolved, so those
10 orders to show cause are dismissed.

11 Young; Sturgill; George; Worms; Lee; Bartels; Axt,
12 A-X-T; and Polk are moving to the next return date for the
13 orders to show cause. They're still trying to work that out.

14 So that leaves three, correct?

15 MR. HARKINS: That's correct, Your Honor. And no
16 updates to those three matters from the defendants. We would
17 request at this time dismissal in Williams, Lemen, and Magee,
18 according to our position statement.

19 JUDGE KUGLER: Anybody here on Taffnie Williams? You
20 want to be heard on that?

21 (No response.)

22 MS. GOLDENBERG: Your Honor, again, Marlene Goldenberg
23 for the plaintiffs. I don't have specific information on these
24 three cases. The only thing I wanted to flag for the Court is
25 that we have become aware of an issue with our vendor, MDL

1 Centrality, where I know some plaintiffs have tried to produce
2 things and it's not showing up on the defense end.

3 I don't have anything specific here, so we're not
4 objecting, but if there was ever a motion to be made later on,
5 just want this to be in the transcript of something that we're
6 aware of.

7 JUDGE KUGLER: Sure, you can always come back the next
8 month or month after, if that's what's going on.

9 Tom Lemen, L-E-M-E-N, and James Magee, anybody here on
10 those?

11 (No response.)

12 JUDGE KUGLER: After hearing no opposition, Taffnie
13 Williams, Tom Lemen, and James Magee matters are dismissed.

14 So now we have quite an extensive list of 25 you wish
15 to seek an order to show cause.

16 Any updates on those?

17 MR. HARKINS: No updates to the list, Your Honor. We
18 are also aware of the issue, and if any of the cases on this
19 list, it becomes apparent there have been uploads that we have
20 missed, we'll certainly continue to extend them beyond, but at
21 this time, these are the 25 cases that we are requesting orders
22 to show cause on all 25.

23 JUDGE KUGLER: Tommy Benton, B-E-N-T-O-N.

24 (No response.)

25 JUDGE KUGLER: Jerome Zimmerman.

1 (No response.)
2 JUDGE KUGLER: Ronald Jackson.
3 (No response.)
4 JUDGE KUGLER: Byron Wrigley.
5 (No response.)
6 JUDGE KUGLER: Steven Petrie.
7 (No response.)
8 JUDGE KUGLER: Gregory Adams.
9 (No response.)
10 JUDGE KUGLER: Antonio Guzman.
11 (No response.)
12 JUDGE KUGLER: Lori Statton.
13 (No response.)
14 JUDGE KUGLER: Lawrence Taliaferro.
15 (No response.)
16 JUDGE KUGLER: Darlene Barzee.
17 (No response.)
18 JUDGE KUGLER: Shirley Black.
19 (No response.)
20 JUDGE KUGLER: Anthony Burton.
21 (No response.)
22 JUDGE KUGLER: Lillian Ghrigsby.
23 (No response.)
24 JUDGE KUGLER: Dianne Hardy.
25 (No response.)

1 JUDGE KUGLER: Robert Henley.
2 (No response.)
3 JUDGE KUGLER: Rhonda Kent.
4 (No response.)
5 JUDGE KUGLER: Jesus David Torres.
6 (No response.)
7 JUDGE KUGLER: Joy Higgins.
8 (No response.)
9 JUDGE KUGLER: Gonzalo Salazar.
10 (No response.)
11 JUDGE KUGLER: Dinah Brown.
12 (No response.)
13 JUDGE KUGLER: Rosanna O'Callaghan.
14 (No response.)
15 JUDGE KUGLER: Shawna Martinez.
16 (No response.)
17 JUDGE KUGLER: Emmett Wesson.
18 (No response.)
19 JUDGE KUGLER: The estate of Barbara Kaluhiokalani.
20 (No response.)
21 JUDGE KUGLER: The estate of Mary Hines.
22 (No response.)
23 JUDGE KUGLER: Those matters will all be listed next
24 time for dismissal.
25 And then you have 13 more you want to shift to the

1 next one for another listing.

2 MR. HARKINS: That's correct, Your Honor. No updates
3 on this list. We'll simply ask to relist them for the next
4 case management conference.

5 JUDGE KUGLER: Robert Janecek.

6 (No response.)

7 JUDGE KUGLER: Stacey Thomas.

8 (No response.)

9 JUDGE KUGLER: Estate of Brandon Kemp.

10 (No response.)

11 JUDGE KUGLER: Adam Caldwell.

12 (No response.)

13 JUDGE KUGLER: Jane Davis.

14 (No response.)

15 JUDGE KUGLER: Phillip Quinn.

16 (No response.)

17 JUDGE KUGLER: Estate of Alexandra Samocha.

18 (No response.)

19 JUDGE KUGLER: Benjamin Andrews.

20 (No response.)

21 JUDGE KUGLER: Pauline Harris.

22 (No response.)

23 JUDGE KUGLER: Antoinette Smith.

24 (No response.)

25 JUDGE KUGLER: Ocie Mae Haughton.

1 (No response.)

2 JUDGE KUGLER: Vicki Lambe.

3 (No response.)

4 JUDGE KUGLER: And Marvin Pendley.

5 (No response.)

6 JUDGE KUGLER: Will be relisted next month.

7 Anything further?

8 MR. HARKINS: Nothing further, Your Honor. Thank you.

9 JUDGE KUGLER: Anything further to be raised on the
10 record by anyone?

11 (No response.)

12 JUDGE KUGLER: Well, thank you. Enjoy the rest of
13 September. Those of you who celebrate the holidays, have a
14 good holiday, and we'll see you next month. Thank you.

15 THE COURTROOM DEPUTY: All rise.

16 (Matter adjourned at 1:27 p.m.)

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20 I certify that the foregoing is a correct transcript
21 from the record of proceedings in the above-entitled matter.

22

23 /S/ Sharon Ricci, RMR, CRR
24 Official Court Reporter

25 September 12, 2023
Date